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11 *Attorneys for Co-Lead Plaintiffs Todd Langer,*  
12 *Mary Barida, and Jacks Way LLC*

13 [additional counsel on signature page]

14  
15 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

16 TODD LANGER, MARY BARIDA, AND  
17 JACKS WAY LLC, Individually and on  
Behalf of All Others Similarly Situated,

18 Plaintiffs,

19 v.

20 MARATHON DIGITAL HOLDINGS,  
21 INC., MERRICK OKAMOTO,  
FREDERICK G. THIEL, SIMEON  
22 SALZMAN, and HUGH J. GALLAGHER,

23 Defendants.

Case No. 2:23-cv-00470-RFB-DJA

**STIPULATION AND [PROPOSED]  
ORDER REGARDING BRIEFING ON  
MOTION TO DISMISS**

1       Lead Plaintiff Marathon Investor Group (“Lead Plaintiff”) and Defendants Marathon  
2 Digital Holdings, Inc., Merrick Okamoto, Frederick G. Thiel, Simeon Salzman, and Hugh J.  
3 Gallagher (collectively, “Defendants”), by and through their undersigned counsel, hereby  
4 stipulate as follows:

5       1.       On March 30, 2023, Jaime R. Moreno, commenced the above-captioned action  
6 (the “Action”) and filed the operative, putative class action complaint (the “Complaint”) in  
7 the Action. *See* Dkt. No. 1.

8       2.       On May 30, 2023, Marathon Investor Group filed a Motion for Appointment as  
9 Lead Plaintiff and Approval of Counsel. *See* Dkt. No. 16.

10       3.       On June 9, 2023, the Court granted the Parties’ Stipulation and Proposed Order  
11 staying Defendants’ time to answer, move, or otherwise respond to the Complaint pending  
12 the Court’s appointment of a lead plaintiff and lead counsel, and ordered Defendants to  
13 respond to the Complaint within twenty-one (21) days of the Court’s decision appointing  
14 lead plaintiff and approving lead counsel. *See* Dkt. Nos. 22, 27.

15       4.       On March 29, 2024, the Court appointed Marathon Investor Group as Lead  
16 Plaintiff, Pomerantz LLP and the Schall Law Firm as Co-Lead Counsel, and Muehlbauer  
17 Law Office, Ltd. as Liaison Counsel. *See* Dkt. No. 39.

18       5.       The Action is governed by the provisions of the Private Securities Litigation  
19 Reform Act of 1995 (“PSLRA”), 15 U.S.C. § 78u-4 et seq., which provide that discovery  
20 generally shall be stayed during the pendency of any motion to dismiss.

21       6.       On August 5, 2024, Defendants filed a Motion to Dismiss. *See* Dkt. No. 43.

22       7.       The parties have met and conferred and agreed upon a proposed briefing  
23 schedule, set out in detail below. The proposed schedule is intended to allow the parties  
24 ample time to brief the issues, while also taking into account existing scheduling issues and  
25 commitments.

26       8.       The proposed schedule is not proposed for any improper purpose nor is it  
27 intended to cause any undue delay in consideration of the Motion to Dismiss.  
28

1 IT IS HEREBY STIPULATED AND AGREED, subject to Court approval, by and  
2 among the undersigned counsel that:

3 (i) Lead Plaintiff shall file the opposition to Defendants' Motion to Dismiss on or  
4 before October 25, 2024; and

5 (ii) Defendants shall file their reply in support of their Motion on or before  
6 December 6, 2024.

7  
8 Dated: August 15, 2024

Respectfully submitted,

9 **MUEHLBAUER LAW OFFICE, LTD.**

10 /s/ Andrew R. Muehlbauer

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19 *Liaison Counsel for the Class*

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Digital Holdings, Inc., Merrick Okamoto,  
Frederick G. Thiel, Simeon Salzman, and  
Hugh J. Gallagher*

**ORDER**

IT IS SO ORDERED that:

(i) Lead Plaintiff shall file the opposition to Defendants' Motion to Dismiss on or before October 25, 2024; and

(ii) Defendants shall file their reply in support of their Motion on or before December 6, 2024.

IT IS SO ORDERED:



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RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE

DATED this 16 day of August 2024